

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-19 were pending in the application, of which Claims 1, 9, and 14 are independent. In the Office Action dated December 15, 2005, Claims 1-2 and 7-10 were rejected under 35 U.S.C. § 102(b) and Claims 3-6 and 11-19 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1-22 remain in this application, Claims 20-22 being added by this Amendment and Claims 3 and 13 being canceled without prejudice or disclaimer. Applicants hereby address the Examiner's rejections in turn.

I. Rejection of the Claims Under 35 U.S.C. § 102(b)

In the Office Action dated December 15, 2005, the Examiner rejected Claims 1-2 and 7-10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,670,964 ("*Ward*"). Claims 1 and 14 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter. Support for the amendments can be found in the specification at least on page 12, lines 1-15.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "examining a property of the application program to determine a software development kit version number against which the application program was compiled, and determining whether the application program is configured for use with the display device having the lower pixel density or the display device having a higher pixel density based on the version number." Amended Claim 9 includes a similar recitation.

In contrast, *Ward* at least does not disclose the aforementioned recitation. For example, *Ward* discloses that an output of a system output resolution block 308, or optionally a serial transmitter and receiver block 306, is provided to a mode detection and scaler control block 312. (See col. 5, lines 16-18.) Block 312 supports an automatic setup of a monitor scaler and does not rely on any direct host to monitor communication for control register setup. (See col. 5, lines 18-21.) Mode detection and scaler control block 312 detects whether the resolution produced by a system flat panel display controller is the same as the flat panel display native resolution, which is a fixed resolution. (See col. 5, lines 21-25.) If the resolution is the same in *Ward*, then a monitor side upscale and/or centering logic & buffers block 314 is bypassed. (See col. 5, lines 25-27.) If different, scale factor control data is provided in *Ward* as an input to monitor side upscale and/or centering logic & buffers block 314. (See col. 5, lines 27-29.) Block 314 may be limited to only allow centering of a low resolution mode in the higher resolution display or it could include scaler functions to allow the low resolution image to be stretched to full screen. (See col. 5, lines 29-33.) In *Ward*, determining whether the application program is configured for use with the display device having the lower pixel density or the display device having a higher pixel density based on the version number is not disclosed. Rather *Ward* is complexly silent regarding a software development kit version number. Accordingly, *Ward* does not disclose making any decision based on the version number, much less a decision including determining whether the application program is configured for use with the display device having the lower pixel density or the display device having a higher pixel density based on the version number.

*Ward* does not anticipate the claimed invention because *Ward* at least does not disclose “examining a property of the application program to determine a software development kit version number against which the application program was compiled, and determining whether the application program is configured for use with the display device having the lower pixel density or the display device having a higher pixel density based on the version number”, as recited by amended Claim 1. Amended Claim 9 includes a similar recitation. Accordingly, independent Claims 1 and 9 each patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1 and 9.

Dependent Claims 2, 4-8, and 10-12 are also allowable at least for the reasons described above regarding independent Claims 1 and 9, and by virtue of their respective dependencies upon independent Claims 1 and 9. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2, 4-8, and 10-12.

## II. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 3-4, 14-15, and 18-19 under 35 U.S.C. § 103(a) as being unpatentable over *Ward*. Claim 14 has been amended, and Applicants respectfully submit that the amendment to Claim 14 overcomes this rejection and adds no new matter. Support for the amendment to Claim 14 can be found in the specification at least on page 12, lines 1-15.

Amended Claim 14 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “determining whether the application program is

configured for use with the display device having the lower pixel density or the display device having a higher pixel density based on the version number.”

In the Office Action, the Examiner stated “*Ward* does not describe determining whether the application program is configured for use with the display device having the lower pixel density or the display device having the higher pixel density involves examining a property of the application program that specifies a software development kit version (SDK) number against which the application program was compiled.” (See Office Action, page 9, lines 17-22.) The Examiner merely states that the aforementioned recitation would be obvious to one of ordinary skill in the art at the time of the invention. As a result, Applicants respectfully suggest that the Examiner has failed to make a *prima facie* case of obviousness. In order to make a *prima facie* case of obviousness, the Examiner must set forth prior art which teach or suggest every claim limitation. (See MPEP § 2143.) There is nothing in the prior art cited by the Examiner that discloses determining whether the application program is configured for use with the display device having the lower pixel density or the display device having a higher pixel density based on the version number. For example, as stated above, in *Ward*, determining whether the application program is configured for use with the display device having the lower pixel density or the display device having a higher pixel density based on the version number is not disclosed. Rather *Ward* is complexly silent regarding a software development kit version number. Accordingly, *Ward* does not disclose making any decision based on the version number, much less a decision including determining whether the application program is configured for use with the display device having the lower pixel density or the display device having a higher pixel

density based on the version number. Accordingly, independent Claim 14 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claim 14.

If the Examiner continue to rely on this unsupported contention, Applicants respectfully request the Examiner to provide support. See, In re Zurko, 258 F.3d 1379, 59 U.S.P.Q.2d 1693 (Fed. Cir. 2001) (holding that the USPTO must point to some concrete evidence in the record to support core factual findings in a determination of patentability); Memorandum by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy (February 21, 2002)(stating that it is never appropriate to rely on common knowledge without evidentiary support as sole or principal evidence on which to base rejection); 37 C.F.R. § 1.104 (providing that when a rejection in an application is based on facts within the personal knowledge of an Examiner, the data should be stated as specifically as possible, *and the facts must be supported*, when called for by the applicant, by an affidavit from the Examiner); MPEP § 2144.03 (providing that the Examiner may only take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art and, if the Applicant traverses such an assertion, the Examiner *should cite a reference* in support of his or her position.).

In short, *Ward* would not have led to the claimed invention because *Ward* at least do not disclose or suggest "determining whether the application program is configured for use with the display device having the lower pixel density or the display device having a higher pixel density based on the version number", as recited by amended Claim 14. Accordingly, independent Claim 14 patentably distinguishes the present

invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claim 14.

Dependent Claims 15-19 are also allowable at least for the reasons described above regarding independent Claim 14, and by virtue of their dependency upon independent Claim 14. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 15-19.

### III. New Claims

Claims 20-22 have been added to more distinctly define and to round out the protection for the invention to which Applicants are entitled. Applicants respectfully submit that these claims are allowable over the cited art and that they add no new matter. Support for the new claims can be found in the specification at least on page 12, lines 1-15.

### IV. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements

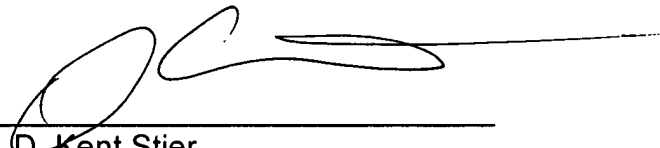
reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

Dated: April 14, 2006

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